IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.7407 OF 2005

Shriram Vaijanath Mahajan. ...Petitioner.
Vs.
The State of Maharashtra & Ors. ...Respondents.
....
Mr. N. V. Bandiwadekar for the Petitioner.
Mr. R. D. Rane, GP for Respondent Nos.1 and 2.
Mr. K.B. Saste for Respondent Nos.3 and 4.
.....

CORAM : F.I. REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.

October 25, 2005.

P.C.

Rule. The Learned GP waives notice for Respondent Nos.1 and 2. Appearance put up on behalf of Respondent Nos.3 and 4.

2 Parties agree that the Petitioner would be entitled to the same relief as granted in Writ Petition No.3789 of 2005 which was disposed of by this Court by the order dated 23rd September 2005. In the light of that, the petition is disposed of by issuing the following direction:

Respondent Nos.3 and 4 after working out the vacancies

after excluding 34% of the posts which are reserved for backward class candidate to consider whether the Petitioner can be approved from the academic year 2001-02 or subsequent thereto against vacancies for open category candidates, to apply to Respondent No.2 for approval. Respondent No.2 after working out the reservation and if the appointment of the Petitioner is against open post, to grant approval from the aforesaid date or such other date from which seat becomes available in the open category. Respondent Nos.3 and 4 to submit the proposal to Respondent No.2 within eight weeks from today. Respondent No.2 within six weeks thereafter to decide the same in accordance with law and intimate the same to the Petitioner and Respondent Nos.3 and 4. If the approval is granted, Respondent No.2 to release the salary grants from the date when the said post has become aided.

Rule made absolute accordingly. No order as to costs.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)